



General Assembly

February Session, 2012

***Raised Bill No. 5345***

LCO No. 1613

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Referred to Committee on Public Safety and Security

Introduced by:  
(PS)

***AN ACT CONCERNING THE POWERS OF CERTAIN AGENTS AND OFFICERS OF THE UNITED STATES SECRET SERVICE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-19 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Except as provided in subsections (b) and (c) of this section, a  
4 person is justified in using reasonable physical force upon another  
5 person to defend himself or a third person from what he reasonably  
6 believes to be the use or imminent use of physical force, and he may  
7 use such degree of force which he reasonably believes to be necessary  
8 for such purpose; except that deadly physical force may not be used  
9 unless the actor reasonably believes that such other person is (1) using  
10 or about to use deadly physical force, or (2) inflicting or about to inflict  
11 great bodily harm.

12 (b) Notwithstanding the provisions of subsection (a) of this section,  
13 a person is not justified in using deadly physical force upon another  
14 person if he or she knows that he or she can avoid the necessity of  
15 using such force with complete safety (1) by retreating, except that the

16 actor shall not be required to retreat if he or she is in his or her  
17 dwelling, as defined in section 53a-100, or place of work and was not  
18 the initial aggressor, or if he or she is a peace officer, a special  
19 policeman appointed under section 29-18b, [or] a motor vehicle  
20 inspector designated under section 14-8 and certified pursuant to  
21 section 7-294d, a sworn special agent or sworn uniformed division  
22 officer of the United States Secret Service or a private person assisting  
23 such peace officer, special policeman, [or] motor vehicle inspector,  
24 agent or officer at his or her direction, and acting pursuant to section  
25 53a-22, as amended by this act, or (2) by surrendering possession of  
26 property to a person asserting a claim of right thereto, or (3) by  
27 complying with a demand that he or she abstain from performing an  
28 act which he or she is not obliged to perform.

29 (c) Notwithstanding the provisions of subsection (a) of this section,  
30 a person is not justified in using physical force when (1) with intent to  
31 cause physical injury or death to another person, he provokes the use  
32 of physical force by such other person, or (2) he is the initial aggressor,  
33 except that his use of physical force upon another person under such  
34 circumstances is justifiable if he withdraws from the encounter and  
35 effectively communicates to such other person his intent to do so, but  
36 such other person notwithstanding continues or threatens the use of  
37 physical force, or (3) the physical force involved was the product of a  
38 combat by agreement not specifically authorized by law.

39 Sec. 2. Section 53a-22 of the general statutes is repealed and the  
40 following is substituted in lieu thereof (*Effective October 1, 2012*):

41 (a) For purposes of this section, a reasonable belief that a person has  
42 committed an offense means a reasonable belief in facts or  
43 circumstances which if true would in law constitute an offense. If the  
44 believed facts or circumstances would not in law constitute an offense,  
45 an erroneous though not unreasonable belief that the law is otherwise  
46 does not render justifiable the use of physical force to make an arrest  
47 or to prevent an escape from custody. A peace officer, special

48 policeman appointed under section 29-18b, motor vehicle inspector  
49 designated under section 14-8 and certified pursuant to section 7-294d,  
50 [or] authorized official of the Department of Correction or the Board of  
51 Pardons and Paroles or sworn special agent or sworn uniformed  
52 division officer of the United States Secret Service who is effecting an  
53 arrest pursuant to a warrant or preventing an escape from custody is  
54 justified in using the physical force prescribed in subsections (b) and  
55 (c) of this section unless such warrant is invalid and is known by such  
56 officer to be invalid.

57 (b) Except as provided in subsection (a) of this section, a peace  
58 officer, special policeman appointed under section 29-18b, motor  
59 vehicle inspector designated under section 14-8 and certified pursuant  
60 to section 7-294d, [or] authorized official of the Department of  
61 Correction or the Board of Pardons and Paroles or sworn special agent  
62 or sworn uniformed division officer of the United States Secret Service  
63 is justified in using physical force upon another person when and to  
64 the extent that he or she reasonably believes such to be necessary to: (1)  
65 Effect an arrest or prevent the escape from custody of a person whom  
66 he or she reasonably believes to have committed an offense, unless he  
67 or she knows that the arrest or custody is unauthorized; or (2) defend  
68 himself or herself or a third person from the use or imminent use of  
69 physical force while effecting or attempting to effect an arrest or while  
70 preventing or attempting to prevent an escape.

71 (c) A peace officer, special policeman appointed under section 29-  
72 18b, motor vehicle inspector designated under section 14-8 and  
73 certified pursuant to section 7-294d, [or] authorized official of the  
74 Department of Correction or the Board of Pardons and Paroles or  
75 sworn special agent or sworn uniformed division officer of the United  
76 States Secret Service is justified in using deadly physical force upon  
77 another person for the purposes specified in subsection (b) of this  
78 section only when he or she reasonably believes such to be necessary  
79 to: (1) Defend himself or herself or a third person from the use or  
80 imminent use of deadly physical force; or (2) effect an arrest or prevent

81 the escape from custody of a person whom he or she reasonably  
82 believes has committed or attempted to commit a felony which  
83 involved the infliction or threatened infliction of serious physical  
84 injury and if, where feasible, he or she has given warning of his or her  
85 intent to use deadly physical force.

86 (d) Except as provided in subsection (e) of this section, a person who  
87 has been directed by a peace officer, special policeman appointed  
88 under section 29-18b, motor vehicle inspector designated under section  
89 14-8 and certified pursuant to section 7-294d, [or] authorized official of  
90 the Department of Correction or the Board of Pardons and Paroles or  
91 sworn special agent or sworn uniformed division officer of the United  
92 States Secret Service to assist such peace officer, special policeman,  
93 motor vehicle inspector, [or] official, agent or officer to effect an arrest  
94 or to prevent an escape from custody is justified in using reasonable  
95 physical force when and to the extent that he or she reasonably  
96 believes such to be necessary to carry out such peace officer's, special  
97 policeman's, motor vehicle inspector's, [or] official's, agent's or officer's  
98 direction.

99 (e) A person who has been directed to assist a peace officer, special  
100 policeman appointed under section 29-18b, motor vehicle inspector  
101 designated under section 14-8 and certified pursuant to section 7-294d,  
102 [or] authorized official of the Department of Correction or the Board of  
103 Pardons and Paroles or sworn special agent or sworn uniformed  
104 division officer of the United States Secret Service under circumstances  
105 specified in subsection (d) of this section may use deadly physical force  
106 to effect an arrest or to prevent an escape from custody only when: (1)  
107 He or she reasonably believes such to be necessary to defend himself  
108 or herself or a third person from what he or she reasonably believes to  
109 be the use or imminent use of deadly physical force; or (2) he or she is  
110 directed or authorized by such peace officer, special policeman, motor  
111 vehicle inspector, [or] official, agent or officer to use deadly physical  
112 force, unless he or she knows that the peace officer, special policeman,  
113 motor vehicle inspector, [or] official, agent or officer himself or herself

114 is not authorized to use deadly physical force under the circumstances.

115 (f) A private person acting on his or her own account is justified in  
116 using reasonable physical force upon another person when and to the  
117 extent that he or she reasonably believes such to be necessary to effect  
118 an arrest or to prevent the escape from custody of an arrested person  
119 whom he or she reasonably believes to have committed an offense and  
120 who in fact has committed such offense; but he or she is not justified in  
121 using deadly physical force in such circumstances, except in defense of  
122 person as prescribed in section 53a-19, as amended by this act.

123 Sec. 3. Section 53a-23 of the general statutes is repealed and the  
124 following is substituted in lieu thereof (*Effective October 1, 2012*):

125 A person is not justified in using physical force to resist an arrest by  
126 a reasonably identifiable peace officer, special policeman appointed  
127 under section 29-18b, [or] motor vehicle inspector designated under  
128 section 14-8 and certified pursuant to section 7-294d or sworn special  
129 agent or sworn uniformed division officer of the United States Secret  
130 Service, whether such arrest is legal or illegal.

131 Sec. 4. (NEW) (*Effective October 1, 2012*) Any sworn special agent of  
132 the United States Secret Service shall have the same authority as police  
133 officers in this state to (1) obtain and serve search warrants and arrest  
134 warrants with respect to financial crimes, and (2) arrest without  
135 previous complaint and warrant any person such agent has reasonable  
136 grounds to believe has committed or is committing a felony in such  
137 agent's presence. As used in this section, "financial crime" means a  
138 violation of section 53-388a, 53a-122, 53a-123, 53a-124, 53a-125, 53a-  
139 125a, 53a-125b, 53a-127b, 53a-128, 53a-128b, 53a-128c, 53a-128d, 53a-  
140 128e, 53a-128f, 53a-128g, 53a-129b, 53a-129c, 53a-129d, 53a-129e, 53a-  
141 138, 53a-139, 53a-140, 53a-141, 53a-142, 53a-252, 53a-253, 53a-254, 53a-  
142 255, 53a-256, 53a-276, 53a-277, 53a-278 or 53a-279 of the general  
143 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	53a-19
Sec. 2	<i>October 1, 2012</i>	53a-22
Sec. 3	<i>October 1, 2012</i>	53a-23
Sec. 4	<i>October 1, 2012</i>	New section

***Statement of Purpose:***

To grant to agents and officers of the United States Secret Service some of the powers and protections granted to peace officers in this state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*